



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,056	11/09/2000	Hua Jiang	12694RR (NORTH 2007000)	6067
21909	7590	01/13/2004	EXAMINER	
CARR LAW FIRM, L.L.P. 670 FOUNDERS SQUARE 900 JACKSON STREET DALLAS, TX 75202			PEREZ GUTIERREZ, RAFAEL	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/711,056

Applicant(s)

Jiang et al.

Examiner

Rafael Perez-Gutierrez

Art Unit

2686



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 22, 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 2686

DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on September 22, 2003.

Claims 1-27 are still pending in the present application. **This action is made FINAL.**

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 1-26** are rejected under 35 U.S.C. 102(e) as being anticipated by **Stewart et al. (U.S. Patent # 6,571,221 B1)**.

Consider **claims 1 and 9**, Stewart et al. teach a method for providing a wireless device access to one or more information networks (abstract), the steps comprising:

Art Unit: 2686

storing user-dependent information for access to an information network (column 12 lines 42-67), wherein access is provided through a cellular-type provider (inherently taught in column 6 lines 10-18 and column 11 lines 13-24, when the communication is through a cellular connection);

storing a key sequence as a translation for an information request, and translating that key sequence to the information request for transmittal to a service provider (column 12 line 42 - column 13 line 16, it is clear that since various types of devices may access Stewart's et al. system that any of these devices may have a specific sequence of keys or buttons that may be depressed to gain access to a network to request information);

providing user-dependent information for access to an information network (column 13 lines 19-32), thereafter;

depressing a key sequence with at least one key on the wireless device to initiate an information request (column 6 lines 10-32 and column 13 lines 45-53, it is clear that for the connection to the network to be made that some action, or button pressing, is required by the user otherwise the personal communication device (PCD) would be inoperable);

determining whether the information request requires user-dependent information (column 11 line 31 - column 12 line 67 and column 13 line 19 - column 14 line 6, the personal computing device determines if the digital certificate is sent to the network, and the information on the certificate is modifiable);

retrieving the user-dependent information if required by the information request (column

Art Unit: 2686

11 line 31 - column 12 line 67 and column 13 line 19 - column 14 line 6);

submitting the request with the user-dependent information to a service provider for retrieving the information (column 14 lines 17-28);

receiving a response from the service provider (column 15 lines 47-53); and

presenting the response to the wireless device (column 6 lines 10-32).

Consider **claims 2 and 17**, and **as applied to claims 1 and 9 above**, in Stewart's et al. method the user-dependent data comprises logon information, account information, e-commerce information, and user preferences (column 11 line 31 - column 12 line 67).

Consider **claims 3 and 18**, and **as applied to claims 1 and 9 above**, in Stewart's et al. method the user-dependent data comprises logon information, including a user ID, a user password, and a user preference (column 11 line 31 - column 12 line 67 and column 14 line 29 - column 15 line 44).

Consider **claims 4 and 19**, and **as applied to claims 1 and 9 above**, in Stewart's et al. method the user-dependent data comprises e-commerce information including a user account, a user password, credit information, and demographic information (column 11 line 31 - column 12 line 67 and column 14 line 29 - column 15 line 44).

Consider **claim 5**, and **as applied to claim 1 above**, in Stewart's et al. method the step of providing user-dependent information comprises the capturing of sign-up information, the capturing of logon information, and registering logon information (column 11 line 31 - column 12 line 67 and column 14 line 29 - column 15 line 44).

Art Unit: 2686

Consider **claim 6**, and **as applied to claim 1 above**, Stewart et al. describe that a portable computing device (PCD) is used to store the digital certificate and access his system and that the only limitation is that the computing device have a wireless or wired network connection (column 5 lines 29-46 and column 12 lines 60-67). Therefore for any of these devices to request information from a network a series of keys, buttons, or mouse clicks are required.

Consider **claim 7**, and **as applied to claim 1 above**, in Stewart's et al. method the information request comprises selecting a shortcut, entering a URL translation and invoking a servlet (column 11 line 31 - column 12 line 67 and column 14 line 29 - column 15 line 44).

Consider **claim 8**, and **as applied to claim 1 above**, in Stewart's et al. method the step of determining whether the information request requires user dependent information is performed by at least one of invoking a servlet with predefined user-dependent information, translating a shortcut and filtering the translated shortcut for user-dependent data, and retrieving for a URL a translation and filtering the URL translation for user-dependent data (column 11 line 31 - column 12 line 67 and column 14 line 29 - column 15 line 44).

Consider **claim 10**, and **as applied to claim 9 above**, in Stewart's et al. method the step of storing user-dependent information is performed by a wireless device, a wired device, or an application server (column 12 lines 10-67).

Consider **claims 11 and 12**, and **as applied to claim 9 above**, in Stewart's et al. method the step of storing and translating the key sequence is performed by at least one of a wireless device or a wired device (column 12 line 42 - column 13 line 16, it is clear that since various

Art Unit: 2686

types of devices may access Stewart's system that any of these devices may have a specific sequence of keys or buttons that may be depressed to gain access to a network to request information, the translation is done by the software used to connect to the network).

Consider **claim 13**, and as **applied to claim 9 above**, in Stewart's et al. method the step of determining whether the information request requires user dependent information is performed by a wireless device, wired device, or an application server (column 11 line 31 - column 12 line 67 and column 14 line 29 - column 15 line 44).

Consider **claim 14**, and as **applied to claim 9 above**, in Stewart's et al. method the step of retrieving the user dependent information is performed by a wireless device, wired device, or an application server (column 11 line 31 - column 12 line 67 and column 14 line 29 - column 15 line 44).

Consider **claim 15**, and as **applied to claim 9 above**, in Stewart's et al. method the user-dependent data is stored on a wireless device, wired device, or an application server (column 11 line 31 - column 12 line 67 and column 14 line 29 - column 15 line 44).

Consider **claim 16**, and as **applied to claim 9 above**, in Stewart's et al. method the key sequence is enabling determination of a user-defined shortcut, a system defined shortcut, a URL and a link (column 11 line 31 - column 12 line 67 and column 14 line 29 - column 15 line 44, when the key sequence to connect to the network is performed the digital certificate including shortcuts etc. are sent to the network when the user becomes connected).

Consider **claims 20 and 21**, Stewart et al. teach a method for allowing cookies on a

Art Unit: 2686

wireless device, the steps comprising:

storing cookie information on a cellular-type (inherently taught in column 6 lines 10-18 and column 11 lines 13-24, when the communication is through a cellular connection) services platform (column 11 lines 49-63);

thereafter retrieving the cookie information from the cellular-type services platform in response to a request from a cellular-type (inherently taught in column 6 lines 10-18 and column 11 lines 13-24, when the communication is through a cellular connection) service provider (column 11 line 31 - column 12 line 67); and

transmitting the cookie information to the service provider via the Internet (column 11 line 31 - column 12 line 67).

Consider **claim 22**, Stewart et al. teach an apparatus for allowing Internet cookies on a wireless device, the steps comprising:

means for the wireless device to connect to a cellular-type (inherently taught in column 6 lines 10-18 and column 11 lines 13-24, when the communication is through a cellular connection) service platform (column 5 line 29 - column 6 line 34);

means for storing cookie information on the cellular-type service platform (column 11 line 31 - column 12 line 67);

means for retrieving the cookie information from the cellular-type service platform (column 11 line 31 - column 12 line 67);

means for transmitting the cookie information to the cellular-type (inherently taught in

Art Unit: 2686

column 6 lines 10-18 and column 11 lines 13-24, when the communication is through a cellular connection) service provider (column 11 line 31 - column 12 line 67);

Consider **claim 23**, Stewart et al. teach a method for allowing a wireless device user to logon to a secure area of the Internet (column 14 line 63 - column 15 line 7, clearly the user is given access to a charge account indicating that the area is secure), the steps comprising:

providing user access information to a service platform (column 5 line 29 - column 6 line 34), wherein access is at least provided through a cellular-type provider (inherently taught in column 6 lines 10-18 and column 11 lines 13-24, when the communication is through a cellular connection);

thereafter depressing at least one key on the wireless device to initiate an information request for secure information (column 12 line 42 - column 13 line 16 and column 11 line 31 - column 12 line 67 and column 14 line 29 - column 15 line 44, it is clear that since various types of devices may access Stewart's et al. system that any of these devices may have a specific sequence of keys or buttons that may be depressed to gain access to a network to request information, the translation is done by the software used to connect to the network. Then the certificate with the secure data is transmitted to the network giving the user secure access);

detecting whether the information request requires user access information (column 11 line 31 - column 12 line 67 and column 14 line 10 - column 15 line 44);

retrieving the user access information, and submitting the information request with the user logon information (column 11 line 31 - column 12 line 67 and column 14 line 10 - column

Art Unit: 2686

15 line 44).

Consider **claim 24**, and **as applied to claim 23 above**, in Stewart's et al. method the user-dependent data comprises logon information, including a user ID, a user password, and a user preference (column 11 line 31 - column 12 line 67 and column 14 line 29 - column 15 line 44).

Consider **claim 25**, and **as applied to claim 23 above**, in Stewart's et al. method the step of providing user-dependent information comprises the capturing of sign-up information, the capturing of logon information, and registering logon information (column 11 line 31 - column 12 line 67 and column 14 line 29 - column 15 line 44).

Consider **claim 26**, and **as applied to claim 23 above**, in Stewart's et al. method the step of determining whether the information request requires user dependent information is performed by at least one of invoking a servlet with predefined user-dependent information, translating a shortcut and filtering the translated shortcut for user-dependent data, and retrieving for a URL a translation and filtering the URL translation for user-dependent data (column 11 line 31 - column 12 line 67 and column 14 line 29 - column 15 line 44).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

Art Unit: 2686

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the Examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. **Claim 27** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Stewart et al.** (U.S. Patent # 6,571,221 B1).

Consider **claim 27**, and as applied to claims 1, 9, and 23 above, Stewart et al. teach all

Art Unit: 2686

of the limitations stated in claim 27, and the means to accomplish said limitations. However, Stewart et al. fail to specifically detail the code or software used to perform the functions taught in their system. It would have been obvious to one of ordinary skill in the art at the time of the invention to infer that since Stewart et al. teach the means and devices and hardware that were used to implement the methods taught by them that the software in their system was also functionally capable of performing these functions (column 5 line 29 - column 6 line 33). This would have allowed Stewart's et al. system and method to be functional and actually work in a real-world setting.

Response to Arguments

6. Applicant's arguments filed September 22, 2003 have been fully considered but they are not persuasive.

In the present application, Applicant basically argues, on pages 9-17 of the remarks, that Stewart et al. do not teach using a cellular-type provider to access an information network.

The Examiner respectfully disagrees with Applicant argument because Stewart et al. clearly disclose that access to the information network can be through a wireless connection with an access point, wherein the wireless connection can be through **cellular**, digital, or infrared communication technologies, among others (column 6 lines 10-18).

It is, at least, implicitly taught by Stewart et al. that access to the information network can

Art Unit: 2686

be accomplished through a cellular connection with a cellular-type access point.

Consequently, and in view of the reasons explained above, the previous rejection is maintained and made FINAL by the Examiner.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any response to this Office Action should be **faxed to (703) 872-9306 or mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Art Unit: 2686

Hand-delivered responses should be brought to

Crystal Park II
2021 Crystal Drive
Arlington, VA 22202
Sixth Floor (Receptionist)

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (703) 308-8996. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700 or call customer service at (703) 306-0377.



Rafael Perez-Gutierrez
R.P.G./rpg **RAFAEL PEREZ-GUTIERREZ**
PATENT EXAMINER

January 10, 2004


CHARLES APPIAH
PRIMARY EXAMINER